



Postal Registration No. N. E.—771/2006-2008

The Gazette of Meghalaya

PUBLISHED BY AUTHORITY

No.3

Shillong, Thursday, January 31, 2008,

11th Magha,

1929 (S. E.)

PART IV

GOVERNMENT OF MEGHALAYA

DISTRICT COUNCIL AFFAIRS DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 16th January, 2008.

No.DC.III/LAW/35/2007/2.—In exercise of the powers conferred under Section 13 of the Khasi Hills Autonomous District (Nomination and election of the Syiem, Deputy Syiem and Electors of Nongstoin Syiemship) Act, 2003, the Executive Committee Khasi Hills Autonomous District Council, is pleased to approve “The Nongstoin Syiemship (Establishment and Administration of Markets) Rules, 2007” which is notified hereunder for general information.

THE NONGSTOIN SYIEMSHIP (ESTABLISHMENT AND ADMINISTRATION OF MARKETS) RULES, 2007

PREAMBLE :

WHEREAS it is necessary to regulate and control the Establishment, Management and Administration of markets and the Levy and collection of customary tolls on the entry of goods into such markets within the jurisdiction of Nongstoin Syiemship which is as per the age-old customs and usages prevailing in Nongstoin Syiemship.

AND WHEREAS under Section 13 of the Khasi Hills Autonomous District Council (Nomination and election of the Syiem, Deputy Syiem and Electors of Nongstoin Syiemship) Act, 2003, the Executive Durbar is empowered to make rules for the day to day administration of the Syiemship in accordance with the customary practices and its administrative rights which have been in practice since time immemorial. And whereas it is considered expedient to safeguard and preserve the customary practices of Nongstoin Syiemship prevailing since time immemorial and to make such provisions for the smooth functioning of Nongstoin Syiemship.

Now, therefore, the Executive Durbar in exercise of the powers conferred on it as aforesaid and of all other power enabling it in that behalf hereby made and framed “The Nongstoin Syiemship (Establishment and Administration of Markets) Rules, 2007.”

1. Short title, Extent and Commencement:-

- (1) These Rules shall be called “The Nongstoin Syiemship (Establishment and Administration of Markets) Rules, 2007.”
- (2) These Rules shall come into operation throughout Nongstoin Syiemship.
- (3) These Rules shall come into force with immediate effect.

2. Definition:- In these Rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them as follows:-

- (a) "Act" means the Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Electors of Nongstoin Syiemship) Act, 2003.
- (b) "Ka Bainguh Syiem" means a customary toll similar to Royalty levied on every carrier of merchandise or goods that enter into and transacted outside the Syiemship which passed through its toll gate or revenue station.
- (c) "Collector" means a person or any other official of the office of the Syiem of Nongstoin including the lessee or his employee duly authorized and appointed as such by the Syiem and his Durbar.
- (d) "Customary tolls" as per the prevailing customs and usages means a collection of tolls from the produce or goods, remove from the area of Nongstoin Syiemship as per the age old traditional custom. All goods or produce transported outside the Syiemship or imported to the Syiemship shall be liable to pay the customary tolls at the authorized toll gate.
- (e) "Customary toll gate" means the place where the toll gates are erected and where the authorized lessee/employees of the office of the Syiem of Nongstoin are engaged for the purpose of assessing and realizing the customary tolls (Musur) on transporting of goods outside and inside the Syiemship which was converted into trade.
- (f) "Durbar Hima" means the General Durbar and the supreme policy making Durbar of Nongstoin Syiemship which comprises of Electors of Nongstoin Syiemship and other member as may be invited by the Syiem and his Durbar.
- (g) "Durbar Syiem" means the Executive Durbar of Nongstoin Syiemship which runs the day to day administration of Nongstoin Syiemship.
- (h) "Executive Committee" means the Executive Committee of the Khasi Hills Autonomous District Council.
- (i) "Goods" means merchandise or wares (including minerals and forest produce) transported by rail, road, etc and all forms of transport.
- (j) "Ka Khrong ka Dan" means a traditional system of normal collection of customary toll/revenue by the Syiem and his Durbar comprising of Ka Musur and ka Bainguh Syiem in accordance with the age old customary practices prevailing/established customs and usages of the Syiemship.
- (k) "Ka Kot Hukum" means a permission granted by the Syiem and his Durbar for opening or setting up or constructing of shop or building within the markets or any transaction of business within the area of Nongstoin Syiemship under certain terms and conditions as may be prescribed and determined by the Syiem and his Durbar.
- (l) "Ka Musur" means a type of customary toll levied on all merchandise or goods that enter into including those goods entering into the Syiemship markets and transacted to the external markets.
- (m) "Lessee" or "Maholders" means a settlement holder of market, customary toll gate, etc for a specified period and it also includes an auction purchaser.
- (n) "The Management" means an individual, body of individuals, organization or authority responsible for the management of market under the provisions of these Rules and the Rules made thereunder duly recognized as such by the Durbar Hima.
- (o) "Market" means business as well as the place of business where persons are allowed for transaction of business either daily, weekly or bi-weekly for sale or purchase of food stuff, livestock or other merchandise or goods for transaction to the Syiemship market or external market, recognized as such by the Syiem and his Durbar, and shall also include hats, bazaar, fare and melas.
- (p) "Member Durbar Syiem" means the member of the Executive Durbar of Nongstoin Syiemship.
- (q) "Merchandise" means all produce or goods or commodities that are being sold or brought in the Syiemship market or being traded or transacted to the external market.

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- (r) "New Market" means a market to be established on a site where there is no existing market and shall also include revival of the Market which has ceased to exist immediately before the commencement of these Rules duly approved by Durbar Hima with intimation to the Executive Committee.
- (s) "Nongstoin Syiemship" means the territorial and geographical area under the administrative jurisdiction of the Nongstoin Syiemship.
- (t) "Other Markets" means markets established or existing within the jurisdiction of Nongstoin Syiemship duly authorized or allowed and duly notified as such by the Syiem and his Durbar and shall be under the Administrative Control of the Syiem and his Durbar. The lists of those Markets are as shown in Appendix-B of this Rule.
- (u) "Persons" include a company or association or body of individual whether in-corporate or not.
- (v) "Private Market" means a market established and managed by an individual or group or clan working together and these markets shall be under the Administrative Control of the Syiem and his Durbar which may be taken over by the Nongstoin Syiemship under these Rules.
- (w) "Raid Market" or "Village Markets" means a market established and managed by a Raid or a Village within the Syiemship under the Administrative Control and recognized as such by the Syiem and his Durbar and approved by the Durbar Hima with intimation to the Executive Committee.
- (x) "Raid" or "Villages" means an administrative unit within the administrative control of Nongstoin Syiemship and recognized as such by the Syiem and his Durbar.
- (y) "Syiem" means the Customary Chief and the administrative Head of Nongstoin Syiemship who is a descendant of Ka Ksan Syiem family of Nongstoin Syiemship from the womb of Ka Ksan Syiem family.
- (z) "Syiemship Markets" are those markets established by and under the management and control of the Syiem and his Durbar. The list of the Syiemship Markets are as shown in the Appendix-A of this rule.
3. Every goods converted into trade which are transported outside the jurisdiction of Nongstoin Syiemship shall be subjected to payment of the customary tolls at the rate prescribed by the Durbar Syiem from time to time. The rates of tolls are subject to revision from time to time with the approval of the Durbar Hima.
4. Every owner or driver or carrier or agent of the goods shall be liable to pay the prescribed customary tolls at the toll gate or revenue station authorized by the Hima for the purpose.
5. As per the prevailing customs and usages, the customary tolls shall be payable by the owner or driver or carrier or agent on the spot at the toll gate or revenue station in one installment to the collector on duty who will issue a receipt for the same as may be prescribed by the Syiem and his Durbar.
6. (i) The owner or driver or agent shall not enter into controversy with the collector or authorized officer at the check gate but if a dispute arises as to the liability of the payment of the tolls, the aggrieved party shall at the first instance pay the tolls at the toll gate and thereafter prefer an appeal before the Syiem and his Durbar whose decision shall be final and binding.
- (ii) For breach of Rule 6 (i) above or for refusal to pay the toll, the offender shall be liable to pay a fine or may detain the vehicle as the Syiem and his Durbar as deem fit and proper.
7. The Syiem and his Durbar as per the prevailing customs and usages shall have the right and power to determine the number and location of the customary toll gate at different convenient and suitable places within the jurisdiction of Nongstoin Syiemship.
8. The Durbar Syiem as per the prevailing custom and usages shall have the right and power to determine the necessary terms and conditions and other matters connected with the allotment of lessee/maholders.
9. The toll gate or toll house or revenue station may be inspected by the Syiem/Member Durbar Syiem and such other officials duly authorized by the Durbar Syiem.

10. (a) **Notice Inviting Tenders :-** To lease out the collection of the customary tolls, markets, etc the Syiem and his Durbar as per the prevailing customs shall invite/call tender from among the bonafide resident of Nongstoin Syiemship who has a good moral character. The Notice Inviting Tender shall be not less than 15 (fifteen) days from the date of issue of the notice inviting tender with intimation to the Executive Committee.
- (b) The Syiem and his Durbar as per the prevailing customs and usages does not bind themselves to accept or reject any or all tenders.
- (c) For breach of Rule 10 (a) above or in the event that the notice inviting tender has been called less than 15 (fifteen) days, the Durbar Hima being the supreme authority of the Syiemship on the complain of the member of the Durbar (in writing or in the Durbar), shall have the power to cancel or revoke such notice inviting tender including the lessee already allotted. The Durbar shall pass necessary resolution to direct the Durbar Syiem to call a Fresh Tender and fresh lessee be allotted accordingly as a stop-gap, the Durbar Hima shall direct the Durbar Syiem to extend the period of the then lessee or any other arrangement which the Durbar Syiem may deem fit and proper till the lessee are allotted or appointed afresh. The Durbar Syiem shall issue notice inviting tender calling for fresh tender for allotment of lessee or maholder within 30 days from the date of the resolution passed by the Durbar Hima. In such case the notice inviting tender shall be 10 days notice from the date of issue of the notice tender.
11. The lessee or maholder as per the prevailing customary practice shall have to pay the 50% (fifty percent) advance of the lease amount allotted to him/her within 7 (seven) days with effect from the 1st April of each year and the remaining 50% balance of the lease amount shall have to be paid and deposited as may be decided or arranged by the Durbar Syiem.
12. That the lessee of customary toll gates, markets, etc and other asset of the Syiemship as per the prevailing customary practices shall be for one year at a time and the lease shall normally be settled in the month of March each year (except in the violation of the Rule 10 or due to exigency of fund where the lease shall be settled as decided by the Durbar Syiem). In computing the period of one year, it means that the lease shall commence from the 1st of April of that year and shall end on the 31st of March of the following year.
13. As per the prevailing customary and usages no person shall established any new market except with the previous permission of the Syiem and his Durbar.
14. The Durbar Syiem as per the prevailing customs and usages may either on application or on its own initiative, establish a new market in such place or places as considered necessary, such market as well as other established Syiemship markets shall be managed by the Syiem and his Durbar, and the toll and or taxes therefrom shall be collected by it or its employee or lease.
15. The Durbar Syiem may if it so requires, appoint a Managing Committee to look after such markets. The member of such committee, their power and function, their number and tenure of office shall be determined by the Syiem and his Durbar or in accordance with rule which may be framed by the Syiem and his Durbar under this Rule.
16. The Durbar Syiem as per the prevailing customs and usages may shift or order the shifting of any market from its original site to any suitable alternative if it is of the opinion that:-
 - (a) Such action would be for to the convenience of the people attending the market.
 - (b) If the original site of the market is unsafe to life and property on account of its being liable to flood or subjected to epidemic occurrence.
17. **COLLECTION OF CUSTOMARY TOLL AND MARKET TOLL:**
 - (1) The Durbar shall prescribe the rates of market tolls or as the case may be, the rate of tolls levied on the entry of goods into any market for sale therein. The rate so prescribed shall be in cash and shall also be published for general information.

Provided that the different rate of toll or taxes may be prescribed for different market and such rate shall be enforced until further revised or modified by the Durbar Hima.

Provided that no tax or market toll shall be levied on a person who attend the market only for the purpose of purchasing goods for personal consumption or a person who enters the market without purchasing anything.

- (2) The market tolls of all markets within the jurisdiction of Nongstoin Syiemship shall be prescribed by the Durbar Syiem and such rate shall be published for general information with intimation to Executive Committee.
 18. (1) The right to collect customary toll and market tolls shall, as far as practicable, be settled by public auction or notice inviting tender by the Durbar Syiem.
 - (2) 10% of the Gross income derived from each private market shall be credited by the owner or owners thereof to the Syiem and his Durbar. Half of the said 10% shall be credited within 30(thirty) days from the date the market is auctioned or leased and the remaining half shall be paid within the month of April each year. This also shall apply in the case of Raid and Village market.
 19. (1) Allotment of stalls or market shed or land for the construction of market shed or building shall be made by the Syiem and his Durbar or as the case may be, the owner of the market concerned. Ordinarily only one stall be allotted to one person and first preference shall be given to a bonafide resident of Nongstoin Syiemship.
- Provided that the management of the market concerned may, with the previous approval of the Durbar Syiem: - (a) allot not more than two stall to a deserving bonafide resident (b) the management of the market concerned may, subject to such rates as may be prescribed by the Durbar Syiem, levy and collect from a stall holder an annual rent in respect of the stall allotted to him or her.
- (2) Notwithstanding the allotment made to him/her and the rent or KOT HUKUM paid by him or her, the stall holder or shop's owner shall have no other right at all over the land covered by the stall or over the stall or shop or building so allotted except the occupancy right to use the stall or shop or building in accordance with the Rules and order as may prescribed by the Syiem and his Durbar from time to time.
20. No stall holder or shop holder or building shall sublet or transfer the stall or shop or building allotted to him/her to any other person except with the prior permission of the Syiem and his Durbar or as the case may be, provided that in the case where the proposed sub lessee or transfer is a non-tribal, the management of the market concerned shall not accord permission without the prior approval of the Syiem and his Durbar.
21. In allotting Stalls or land for construction of shop within the market area, the Syiem and his Durbar shall :-
(a) arrange the stall or shop or land so allotted as far as practicable so that sale of each commodity are grouped together and that different portion of the market are allotted for sale of different commodities. (b) in no case sale or stocking of any commodity on the spaces provided for footpaths within the market area shall be allowed.
22. (1) The boundary of the market should be clearly defined with boundary pillar fixed by the management concerned.
- (2) No residential building shall be allowed within the market area and in no case shall market stall or shop or building within the market area be converted into residential or a shop cum residential building.
- (3) Any person found contravening the provision of sub Rule (2) above shall be liable to a fine which the Durbar Syiem shall prescribed as deem fit and proper and whatever right he has over the stall or building may be forfeited and such building or structure may be dismantled or taken over by or under the order of the Syiem and his Durbar without any claim for payment of compensation thereof.
23. (1) No intoxicating articles such as liquor, opium, ganja etc., shall be brought or sold within the market area, and no gambling or any game of chance shall be carried out within the area. The commission of any of the said article shall constitute an offence under this Rule.

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- (2) The Syiem and his Durbar shall have the right and power to seize any article connected with the commission of the said offence and also take such action deemed necessary to prevent its commission.
24. As per the prevailing customs and usages of Nongstoin Syiemship, the Syiem and his Durbar shall have the right and power to collect market toll (Musur) from those shop or stall or store within 200 meter radius or away from the boundary of the Syiemship market.
25. As per the prevailing customs and usages of the Syiemship, the Syiem and his Durbar shall have the right and the discretionary power to dismantle any shop or stall or building or any illegal construction within the Syiemship market for the convenient and the general interest of the people at large, since the land of the Syiemship markets are absolutely owned by the Syiemship.
26. As per the prevailing customs and usages of the Syiemship which have been in practice, the normal width of the footpath in the market shall be 12 (twelve) feet and the village path shall be 18(eighteen) feet or 12(twelve) (pruh).
27. As per the prevailing customs and usages of the Nongstoin Syiemship which have been in practice since time immemorial, all markets within the Nongstoin Syiemship shall be exclusively under the administrative control of the Syiem and his Durbar.
28. (1) The Syiem and his Durbar as per the prevailing/established customs and usages shall have the right to collect a customary toll called "Ka Musur" at the prescribed rate for every carrier or merchandise that enter or passed through the Gad/Kad(s) erected whenever the traders transport for sale either to internal or external Syiemship Market.
- (2) The Syiem and his Durbar as per the prevailing/established customs and usages of the Syiemship shall have the right to collect a customary toll called "Ka Bai Nguh Syiem" at the Gad/Kad(s) as may be determined and prescribed by the Syiem and his Durbar and approved by the Durbar Hima for every carrier of merchandise or produce or product coming from within the Syiemship that enters or passed through the authorised Gad/Kad(s) erected whenever the trader transport for sale either in the internal or external Syiemship Market.
- (3) The Syiem and his Durbar as per the prevailing/established customs and usages which is the traditional institution shall have the right to issue Certificate of Origin (CO) on all produce or product or goods coming from within the area of the Syiemship (Administrative Jurisdiction) and shall collect toll/fee for issuing the Certificate of origin. The Certificate of Origin shall be prepared or prescribed and to be issued by the Syiem and his Durbar only through the Lessees/Maholdar or authorized Agent.
- (4) The Syiem and his Durbar as per the prevailing customs and usages since time immemorial shall have the right and power to issue the work permit with certain terms and conditions as may be prescribed by the Syiem and his Durbar. This shall not apply in the case of the Khasi and Garo people.
29. No Public Meeting shall be held on any market day within the market area provided that the Durbar Syiem may grant prior permission to any such being held if it is satisfied that such meeting is in the interest of the market.
30. The Durbar Syiem may appoint such officers and assigned to them such designations as are appropriate for the proper carrying out of the purpose of these Rules.
31. (1) Petition of grievances against any order passed by the management or by an officer of the Syiemship duly authorized by the Durbar Syiem in this behalf under the Rules made thereunder or under the durbar Syiem order, shall lie to the Durbar Syiem, whose decision shall be final.
- (2) Such petitions shall be filed within 30(thirty) days from the date of the order is communicated to the party or parties concerned accompanied by:-
- (a). A certificate copy of the order appealed against, and
- (b). A petition fees of Rs. 50/- only in cash.

Provided that the order purported to have been passed by the officer incharge may be reviewed by the Durbar Syiem when there is a mistake or error apparent on the face of the record or when there is new important evidence.

- (3) Reviewed petition may be filed within 15 (fifteen) days from the date of such order accompanied by a fee of Rs. 100/-.
 - (4) An appeal against any order passed by the Syiem and Durbar under these Rules shall lie to Executive Committee. Such appeal shall be filed within 30 (thirty) days from the date and receipt of such order along with the appeal fee as may be prescribed.
 - (5) No suit or legal proceedings shall lie against the Durbar Syiem, its Officers or Management for anything done or purported to have been done in good faith under the Rule and in pursuance of any lawful notice or order issued under this Rule.
32. (a) No person or persons from outside the Nongstoin Syiemship shall allowed for business or marketing of minerals or forest produces extracted or removed within the jurisdiction of Nongstoin Syiemship without prior permission from the Syiem and his Durbar.
- (b) For any breach of Rule 32(a) above, the Syiem and his Durbar shall pass necessary order to direct the land owner/Sordar/Headman concerned to stop extracting or removing of Minerals or Forest produces.
- (c) As per the prevailing customs and usages, any Lease Agreement between the Land Owner and the lessee for extraction or removal of any minerals or Forest produces within the area of Nongstoin Syiemship shall have to be registered by an Agreement with the Syiem and his Durbar, in order to avoid unnecessary controversy.
33. (a) No person from outside or inside the Syiemship shall be allowed to set up or opening up of Wine Store, Bonded Warehouse, Teer Counter, Jackpot, Play-win, On-Line Lottery etc., within the jurisdiction of Nongstoin Syiemship without prior permission from the Syiem and his Durbar.
- (b) Any establishment or opening or setting up of factory or industry or company or dealer of any company within the jurisdiction of Nongstoin Syiemship shall have to obtain prior No Objection Certificate from the Headman/Sordar concerned, and the prior permission from the Syiem and his Durbar before starting with, and in such permission, the Syiem and his Durbar shall prescribe and determine the necessary terms and conditions as deem necessary.
34. Benami transaction of any sort within Nongstoin Syiemship is strongly prohibited and any person or persons found violating it shall be appropriately penalized by the Syiem and his Durbar.
35. As per the prevailing customary practices, all the Syiemship markets within the jurisdiction of Nongstoin Syiemship shall be exclusively under the management and control of the Syiem and his Durbar.
36. Any party aggrieved of any order passed by the Syiem and Durbar shall within 30 (thirty) days be appealed to the Executive Committee along with the certified copy of the order and the prescribed fee.
37. Anything which is not specifically mentioned in these Rules, the Syiem and his Durbar shall have the power to decide as may deem fit and proper.
38. (a) No Amendment or modification or alternation of any part of the Act or any Rule of Nongstoin Syiemship without the approval of the Durbar Hima of Nongstoin Syiemship.
- (b) The Durbar Syiem may, with the approval of the Durbar Hima, make rule for carrying out the provision of this Rule.
39. The Fund of the Syiemship (Hima) from all incomes or receipt which the Syiemship or Hima is entitled to and such incomes shall be received or deposited to the Account of the Syiemship through the duly prescribed Challan of the Syiemship and duly passed by the Syiem or Acting Syiem or authorized Member Durbar Syiem. The proforma of the Challan is as shown in Appendix-C of these Rules.
40. **SAVING:-** All pending matter relating to the collection of customary tolls, establishment, management and control of markets shall deem to have been done under the correspondent provision of these Rules.

STATEMENT OF OBJECT AND REASONS

It is considered expedient to safeguard and preserve the customary practices within Nongstoin Syiemship in matters relating to the normal collection of Customary toll, Management and control of Markets within the Syiemship.

HENCE, THESE RULES.

Certified that the above Rules was passed by the Durbar Hima of Nongstoin Syiemship on the 29th March 2007.

Deputy Secretary to the Executive Committee,
Khasi Hills Autonomous District Council, Shillong.

Appendix – A

The following are the Syiemship Market of Nongstoin Syiemship and any other market to be established by the Syiemship.

1. Īew Nongstoin (Nongstoin Market).
2. Īew Maweit (Maweit Market).
3. Īew Riango (Riango Market).
4. Īew Moheskhola (Khangsari) (Moheskhola Market).
5. Īew Khonjowai (Khonjowai Market).
6. Īew Bakli (Bagli) (Bagli Market).

Appendix – B

The following are the other Markets within the jurisdiction of Nongstoin Syiemship.

1. Īew Shahlang (Shahlang Market).
2. Īew Umdang (Umdang Market).
3. Īew Nongjri-Kulang (Nongjri-Kulang Market).
4. Īew Mawdonglang (Mawdonglang Market).

Appendix – COFFICE OF THE SYIEM OF NONGSTOIN,
NONGSTOIN SYIEMSHIP.

To,

The Meghalaya Rural Bank,
Nongstoin Branch.Please credit to Account No....., of the Office of the Syiem of Nongstoin,
Nongstoin Syiemship.Name & Address of the Depositor
.....

Full Particulars of the Remittance	Amount	
	Rs.	P.

(Rupees) only.

Signature.

Date.....

Signature of the

Syiem/Deputy Syiem/Officer

Bank's Signature & Seal